

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39107 of 2020

Arising Out of PS. Case No.-81 Year-2020 Thana- KASHICHAK District- Nawada

1. Chhote Lal Pandit, Son of Late Bhaso Pandit, Resident of Village - Belar, P.S.- Kashichak, Distt.- Nawada.
2. Shiv Pandit, Son of Chhote Lal Pandit, Resident of Village - Belar, P.S.- Kashichak, Distt.- Nawada.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Prasad, Advocate

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 10-02-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Bal Mukund Prasad Sinha, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Kashichak P.S. Case No. 81 of 2020 registered for the offences under Section 302/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that as per the prosecution report the dispute took place between the informant and the petitioners' side on draw water from the water pump. It is alleged that these two petitioners and co-accused Sunder Pandit started abusing whereupon the husband of the



informant asked them not to do so, then Sunder Pandit (co-accused) hit the husband of the informant on his head by a brick. It is alleged that because of the said brick injury the husband of the informant suffered injury on his head, he started bleeding and became unconscious. So far as these two petitioners are concerned, there is no allegation that these petitioners had assaulted the husband of the informant.

Learned counsel submits that the allegation against the petitioner no. 1 that he had assaulted the informant on her leg causing injury but she was saved. So far as petitioner no. 2 is concerned, there is no allegation against him of causing assault on the informant or anybody else.

Learned counsel submits that the learned Sessions Judge has noticed in the impugned order the submission that there is no injury report of the informant. These petitioners have otherwise no criminal antecedent and they are in jail in connection with this case since 14.06.2020, investigation against them is complete, the trial is not likely to be concluded in near future and they being law abiding citizens are ready to abide by the terms and conditions which may be imposed for purpose of bail. Petitioner no. 1 is said to be aged about 75 years old.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioners, however, after going through the



materials particularly the F.I.R. specifically made allegation against the co-accused Sunder Pandit, there being no allegation against these petitioners of causing any assault on the husband of the informant and further the learned Sessions Judge has also not mentioned any material against these petitioners to take a different view and considering that the petitioner no. is 75 years old and these petitioners have otherwise no criminal antecedent, there being no submission of the State that release of the petitioners is in any way likely to result in tampering with the evidence or interfering with the course of trial, let the petitioners above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-6, Nawada in connection with Kashichak P.S. Case No. 81 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with



the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

And further condition that they will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

vats/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

